



Flawed inspections

Ofsted-related protocol

Arrangements for taking action where an inspection is flawed

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Introduction

This protocol sets out the arrangements through which Ofsted will deal with inspections that are considered to be so seriously flawed that they are deemed to be incomplete. Further action to complete the inspection and revise and report the findings may be required.

Background

1. Ofsted has established processes for checking quality, finalising reports and dealing with concerns raised by providers within all remits of its work. In many cases these are carried out in partnership with inspection service providers (ISPs) who work alongside Ofsted in carrying out inspections and who are responsible for the employment of additional inspectors.
2. Very occasionally Ofsted or an ISP will think it necessary to delay publication of a report to ensure full consideration of concerns raised by a provider or identified during our quality assurance process. Very rarely the process may suggest flaws in the inspection evidence base which will cause Ofsted to conclude that the inspection is incomplete. This will require Ofsted to take further action to complete the inspection and this could involve a further visit to the provider to gather more evidence to secure the evidence base. In such cases the inspection report will not be published until Ofsted is satisfied that the inspection is secure.
3. In other cases, following a report's publication, and possibly as a result of a formal complaint, Ofsted may conclude that an inspection is flawed because the evidence base is insecure. As a result the inspection is deemed to be incomplete and Ofsted will take further action to complete the inspection, which may involve a further visit to gather more evidence to secure the evidence base. In such cases the inspection report may be revised.
4. These situations happen very rarely, but if they do, it is important that full and sensitive communication with the provider is maintained throughout.

Deciding whether an inspection is flawed and needs to be deemed incomplete

5. The National Director, Delivery (ND) will need to refer to the evidence base and any other appropriate material to decide whether the evidence base for the inspection is secure.
6. In circumstances where the ND considers that the inspection is flawed, Ofsted's legal advisors will be consulted where this is thought necessary.
7. If the decision is reached that the inspection is flawed, steps will be taken to secure the evidence base. This may involve a further visit to a provider to gather more evidence. Where this occurs before the report has been published Ofsted will

need to be satisfied that the evidence base is secure before publication. Where this occurs after a report has been published Ofsted may decide to issue a revised report.

8. If information or significant evidence about a published inspection comes to light more than six months after the date of publication, Ofsted may be unable to fully consider relevant information, such as the evidence base, as required in this policy. This is because Ofsted's document retention and disposal policy requires that some categories of inspection evidence (such as schools) are deleted from this time unless a complaint or other enquiry about the inspection has been raised. In these circumstances, where there are no other means by which to determine whether the inspection is flawed, the report will remain on the Ofsted website.

Procedure to be followed where the inspection is considered flawed

9. Once an inspection has been deemed to be flawed and incomplete, the following action is required:

- 9.1. If the inspection was ISP-led, the ND will inform the ISP of her/his decision.
- 9.2. The ND will write to the provider:
 - informing them of the reasons for deeming the inspection flawed
 - offering an apology
 - where appropriate, confirming that there will be a further visit to the provider by an inspector/inspection team in order to gather and analyse the necessary evidence to secure the evidence base and complete the inspection. This will take place as soon as practicable.

9.3. The ND will inform HMCI of his/her decision.

10. Examples of where an inspection may be considered to be flawed may include:

- where key judgements that might affect the overall outcome of the inspection are given orally by the lead inspector at final feedback to the provider or stated in the written report, and are not substantiated by evidence gathered and recorded by the inspection team
- where the conduct of the inspection is such that the evidence gathered and recorded cannot be relied upon to provide a fair and accurate view of the provider, in whole or in part
- where the inspector or inspection team has not gathered sufficient evidence or evidence of sufficient quality to allow it to obtain a fair and accurate view of the provider, in whole or in part.

Completing the inspection

11. Where a further visit is considered necessary this will focus, wherever possible, on an examination of the insecure elements of the evidence base. Ofsted will normally use the same inspector or inspection team, where practicable, but it maintains the right to use a different inspection team where this is deemed more appropriate.

Issuing a revised report

12. Where an inspection has been considered flawed and the inspection report has already been published and disseminated, Ofsted will withdraw that report. A revised report will be published and Ofsted will provide a copy of the report to the relevant parties in line with our statutory duties. The revised report will state all the dates on which inspection activity took place that informed the inspection judgements and outcomes.

13. The provider must send a copy of the revised report to relevant parties where it has a statutory duty to do so.